

**Amendments to the Drawings:**

The attached replacement drawing sheets makes changes to Figs. 1A, 1B, 2, 4, and 7-9 and replaces the original sheets with Figs. 1A, 1B, 2, 4, and 7-9.

Attachment: Replacement Sheets

**REMARKS**

Claims 1-3 and 5 are pending in this application. By this Amendment, the specification, claim 5 and Figs. 1A, 1B, 2, 4, and 7-9 are amended. No new matter is added by these amendments. Reconsideration of the application based on the above amendments and the following remarks is respectfully requested.

The Office Action objects to Figs. 1A, 1B, 2, 4 and 7-9 for informalities. These figures have been amended to obviate the objection. Accordingly, reconsideration and withdrawal of the objection to the above enumerated figures for informalities are respectfully requested.

The Office Action, in paragraphs 3 and 4, objects to the specification for informalities. Specifically, the Office Action objects to page 4 of the specification as not ending a sentence with a single period. The specification has been amended to obviate this objection.

Additionally, the Office Action objects to page 9 of the specification in that the guide skirt 70 is described as an annular body, but asserts that the guide skirt 70 is not shown as such. We respectfully refer to Figs. 5, 6, 8 and 9 which show the guide skirt as having an annular and/or circular cross section. Additionally, page 10 of the Applicant's specification describes that the annular body 70 may conveniently have a substantially circular cross section.

The Office Action also objects to claim 1 as lacking antecedent basis in the specification with respect to "engaging portions." We respectfully refer to Fig. 5 which show where teeth 53 engage rubber projection 61 at engaging portions depicted but unnumbered. Accordingly, reconsideration and withdrawal of the objections to the specification and claim 1 are respectfully requested.

The Office Action rejects claims 1-3 and 5 under 35 U.S.C. §112, second paragraph, as being indefinite. Specifically, the Office Action asserts that in claim 1, the engaging

portions are inferentially set forth and it is not clear what these members comprise. As discussed above, the engaging portions are depicted in at least Fig. 5, which show teeth 53 engaging rubber projection 61 at engaging portions depicted but unnumbered.

Further, the Office Action asserts that claim 5 lacks antecedent basis and the claim is indefinite as to what these gaps would be. Claim 5 has been amended to obviate this rejection. Accordingly, reconsideration and withdrawal of the rejection of claims 1-3 and 5 under 35 U.S.C. §112, second paragraph, as being indefinite, are respectfully requested.

The Office Action rejects claims 1, 3 and 5 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,000,766 to Takeuchi et al. (hereinafter "Takeuchi") in view of U.S. Patent No. 4,134,622 to Korlak et al. (hereinafter "Korlak"). Additionally, claim 2 is rejected under 35 U.S.C. §103(a) as being unpatentable over Takeuchi in view of Korlak and further in view of what is asserted to be Applicants' prior art. The Applicants respectfully traverse these rejections.

Arguably, Takeuchi teaches a crawler belt apparatus to address the problem of foreign substances, such as dirt and sand, from getting caught between the engaging teeth and the engaging projection of the belt (col. 1, lines 25-31). Dirt and sand are displaced through the discharge passages as shown (col. 1, lines 55-62). This discharge passage is noted as S in Fig. 4 and described in col. 4, lines 19-29. Further, Korlak teaches a track type vehicle having a scraping apparatus having a first and a second scraping element, each having first and second opposed cutting edges (col. 1, lines 31-33). The scraping apparatus of Korlak may be located at one or both ends of the track type vehicle and additionally, attached on one or both sides of the idler 16, as described in col. 1, line 65- col. 2, line 5. The combination of the applied prior art references are improper for at least the following reasons.

Takeuchi teaches engaging teeth that are much wider than any engaging portion with the rubber protrusion of the collar belt. Therefore, in attempting to fashion a scraper device,

such as is disclosed by Korlak, to perform a function of a guide skirt body would require such modification of the Takeuchi device that such a combination would have not been obvious to one of ordinary skill in the art when provided with the disclosure of these two references. As such, the modifications required to be made to both the Korlak and Takeuchi references, would be of such significant magnitude as to render the references unsatisfactory for their intended purpose. MPEP §2143.02 VI., states "if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teaching of the references are not sufficient to render the claims *prima facie* obvious."

Further, there is nothing to suggest that the modifications made to the devices of Takeuchi do not adequately address the discharge of foreign substances between engaging projections of the crawler belt and the engaging teeth thereby requiring significant reconfiguration in the addition of a guide skirt body. The very nature of the configuration of the engaging portions between the teeth in Takeuchi and the rubber projections on an inner peripheral surface of the crawler belt are such that belt slip may likely not occur in a Takeuchi device requiring a guide skirt to be introduced to prevent, for example, belt disengagement at the engaging portion. Additionally, the mere conclusory statement that it would have been obvious to fix a skirt to the frame of Takeuchi is not supported by any objective evidence of record. As such, no proper motivation has been shown to combine these references in the manner suggested. The mere conclusory statements enumerated in the Office Action are not enough to prove that such a teaching, motivation or suggestion exists in the cited references.

Additionally, as discussed above, the guide skirt body, as recited in the subject matter of the pending claims, is disposed at the outer edge of engaging portions of the drive wheel and the rubber crawler and the width direction of the engaging portions. According to this configuration, running-off of the rubber crawler from the drive wheel is reduced. On the

contrary, Figs. 1 and 2 of Korlak, teach that a scraping member 40 is not provided at an outer side of engaging portions of a drive wheel 14 and in a width direction of the engaging portions. Therefore, in the event that Takeuchi and Korlak are combinable, the improper combination of the two references do not teach the features as positively recited in the subject matter of the pending claims.

For at least the above reasons, the applied prior art references cannot reasonably be considered to teach, or to have suggested, the combinations of all of the features recited in at least independent claim 1. Further, claims 2, 3 and 5 would also not have been suggested by the applied prior art references for at least the respective dependence of these claims on allowable independent claim 1, as well as for the separately patentable subject matter that each of these claims recited.

Accordingly, reconsideration and withdrawal of the rejection of claims 1-3 and 5 under 35 U.S.C. §103(a) as being unpatentable over the combination of applied prior art references are respectfully requested.

In view of the foregoing, it is respectfully submitted that this application is in condition for allowance. Favorable reconsideration and prompt allowance of claims 1-3 and 5 are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact the undersigned at the telephone number set forth below.

Respectfully submitted,



James A. Oliff  
Registration No. 27,075

Kirk D. Berkheimer  
Registration No. 59,874

JAO:KDB/kdb

Attachments:

Replacement Drawing Sheets  
Petition for Extension of Time

Date: September 4, 2007

**OLIFF & BERRIDGE, PLC**  
P.O. Box 19928  
Alexandria, Virginia 22320  
Telephone: (703) 836-6400

<p>DEPOSIT ACCOUNT USE AUTHORIZATION Please grant any extension necessary for entry; Charge any fee due to our Deposit Account No. 15-0461</p>
--